

**RESOLUTION NO. 20210408-032**

**WHEREAS**, the City Council of the City of Austin has found that public necessity requires the City to acquire certain real property interests for the public uses as set out below; and

**WHEREAS**, the City has attempted to purchase those needed real property interests, but has been unable to agree with the owner on the value of the property interest, or the damages, if any; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City against the owner now having, or who may acquire, an interest in the real property interests necessary to the City, described below, for the public uses set out below, and to take whatever other action may be deemed appropriate to effect the necessary acquisitions.

**BE IT FURTHER RESOLVED:**

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owners:	Bell Quarry Hill Apartments, LLC
Project:	Texas Department of Transportation Oak Hill Parkway Water Relocation Project (US 290-71).

Public Use: Accommodating proposed roadway improvements, by allowing water infrastructures in conflict to be adjusted. A water line easement is needed for construction, operation, maintenance, replacement, upgrade, repair, decommissioning and removal of water lines and associated appurtenances and making connections therewith in, upon, over and across, the tract of land as described in "Exhibit A,".

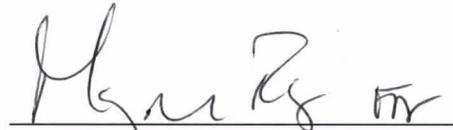
Location: 7000 Convict Hill Road, Austin, Travis County, Texas 78749

The general route of the project is SH 71 at Silvermine to US 290 at Circle Drive, beginning at William Cannon, in Travis County, Texas. (District 8)

Property: Described in the attached and incorporated Exhibit A.

**ADOPTED:** April 8 \_\_\_\_\_, 2021

**ATTEST:**



Jannette S. Goodall  
City Clerk

Bell Quarry Hill Apartments, LLC  
to  
The City of Austin  
(Water Line Easement)

**LEGAL DESCRIPTION FOR PARCEL 5221.18 WLE**

**DESCRIPTION OF A 0.027 ACRE (1,156 SQ. FT.) EASEMENT LOCATED IN THE JESSE WILLIAMS SURVEY NO. 62, ABSTRACT 788, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 14, BLOCK 3, OAK HILL HEIGHTS, SECTION 5, A SUBDIVISION OF RECORD IN VOLUME 82, PAGE 265, PLAT RECORDS OF TRAVIS COUNTY, TEXAS (P.R.T.C.TX.), DESCRIBED AS A CALLED 7.449 ACRE TRACT OF LAND IN A DEED TO BELL QUARRY HILL APARTMENTS, LLC, RECORDED NOVEMBER 16, 2011 IN DOCUMENT NO. 2011168082, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.TX.); SAID 0.027 ACRE (1,156 SQ. FT.) EASEMENT, AS SHOWN ON THE ATTACHED SKETCH AS PREPARED BY SAM, LLC, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at a TxDOT type II monument found at the intersection of the existing south right-of-way line of U.S. 290, a variable width right-of-way, as described to the State of Texas, recorded in Volume 11123, Page 296, Real Property Records of Travis County, Texas (R.P.R.T.C.TX.), and the existing west right-of-way line of Convict Hill Road (formerly Bird View Boulevard), an 80 foot wide right-of-way, per plat recorded in Volume 82, Page 265, P.R.T.C.TX., for the northeast corner of Lot 1, Block 5, of said Oak Hill Heights subdivision, described in a deed to 7401 Hwy 290 W, LLC, recorded in Document No. 2013135197, O.P.R.T.C.TX.;

**THENCE N 67°11'41" E**, departing the existing south right-of-way line of said U.S. 290 and the existing west right-of-way line of said Convict Hill Road, over and across said Convict Hill Road, a distance of **82.12** feet to a TxDOT Type II monument found (**Grid Coordinates: N= 10,056,633.25, E= 3,071,942.43**) on the existing east right-of-way line of said Convict Hill Road, for the northwest corner and the **POINT OF BEGINNING** of the easement described herein;

**THENCE**, departing the existing east right-of-way line of said Convict Hill Road, over and across said Lot 14, the following three (3) courses and distances:

**N 54°29'04" E**, a distance of **23.79** feet to a calculated point, for the northeast corner of the easement described herein,

**S 35°27'46" E**, a distance of **48.69** feet to a calculated point, for the southeast corner of the easement described herein, and

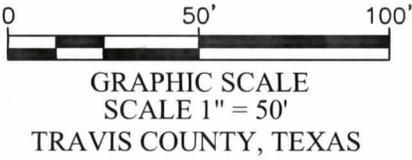
**S 54°25'00" W**, a distance of **23.67** feet to a calculated point on the existing east right-of-way line of said Convict Hill Road, for the southwest corner of the easement described herein;

THIS SPACE LEFT INTENTIONALLY BLANK



"EXHIBIT A"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
FOR PARCEL 5221.18 WLE



JESSE WILLIAMS  
SURVEY NO. 62,  
ABSTRACT NO. 788

U.S. 290  
(VARIABLE WIDTH RIGHT-OF-WAY)  
TXDOT CSJ NO. 0113-08-039

STATE OF TEXAS  
DOC. NO. 2002012581  
O.P.R.T.C.TX.

15' WATER LINE EASEMENT  
(SECOND TRACT)  
VOL. 10936, PG. 380  
R.P.R.T.C.TX.

EXISTING R.O.W.

PARCEL 5221.18 WLE  
WATER LINE EASEMENT  
0.027 ACRE  
(1,156 SQ. FT.)

TCAD PARCEL I.D NO. 315131

BELL QUARRY HILL APARTMENTS, LLC  
RECORDED NOVEMBER 16, 2011  
CALLED 7.449 ACRES  
DOC. NO. 2011168082  
O.P.R.T.C.TX.

P.O.B.  
GRID N: 10,056,633.25  
GRID E: 3,071,942.43

LOT 14, BLOCK 3  
OAK HILL HEIGHTS, SECTION 5  
VOL. 82, PG. 265  
P.R.T.C.TX.

STATE OF TEXAS  
VOL. 11123, PG. 296  
R.P.R.T.C.TX.

P.O.C.

$N67^{\circ}11'41''E$   
82.12'

EXISTING R.O.W.

$(N 33^{\circ}23' W 612.17')$

25' BUILDING SETBACK LINE  
VOL. 82, PG. 265  
P.R.T.C.TX.

7401 HWY 290 W, LLC  
DOC. NO. 2013135197  
O.P.R.T.C.TX.

LOT 1, BLOCK 5  
OAK HILL HEIGHTS, SECTION 5  
VOL. 82, PG. 265  
P.R.T.C.TX.

CONVICT HILL ROAD  
FORMERLY BIRD VIEW BLVD.  
PER PLAT VOL. 82, PG. 265  
P.R.T.C.TX.

EXISTING R.O.W.

$(S 33^{\circ}23' E 565.98')$   
EXISTING R.O.W.

JOB NUMBER: 1019051384
DATE: 01/30/2020
SCALE: 1" = 50'
SURVEYOR: S. BRASHEAR
TECHNICIAN: C. GALVAN
DRAWING: PARCEL 5221.18 WLE
TRACT ID: 315131
PARTY CHIEF: S. PESTL
FIELDBOOKS:



4801 Southwest Parkway  
Building Two, Suite 100  
Austin Texas, 78735  
Ofc: 512.447.0575  
Fax: 512.326.3029  
email: info@sam.biz

PROJECT: CITY OF AUSTIN - OAKHILL EASEMENTS  
PAGE 3  
OF 4

Texas Firm Registration No. 10064300

**"EXHIBIT A"**  
**SKETCH TO ACCOMPANY LEGAL DESCRIPTION**  
**FOR PARCEL 5221.18 WLE**

**LEGEND**

- P —— PROPERTY LINE
- S —— APPROXIMATE SURVEY LINE
- EASEMENT
- ▲ CALCULATED POINT
- TxDOT TYPE II MONUMENT FOUND
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- D.R.T.C.TX. DEED RECORDS TRAVIS COUNTY, TEXAS
- R.P.R.T.C.TX. REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS
- O.P.R.T.C.TX. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- P.R.T.C.TX. PLAT RECORDS TRAVIS COUNTY, TEXAS
- R.O.W. RIGHT-OF-WAY
- ( ) RECORD INFORMATION

LINE TABLE		
NUMBER	DIRECTION	LENGTH
L1	N54°29'04"E	23.79'
L2	S35°27'46"E	48.69'
L3	S54°25'00"W	23.67'
L4	N35°36'16"W	48.72'

NOTE:  
 EASEMENTS SHOWN ON THIS SKETCH ARE LISTED IN SCHEDULE B OF THE TITLE COMMITMENT ISSUED BY STEWART TITLE GUARANTY COMPANY ON OCTOBER 7, 2019, EFFECTIVE SEPTEMBER 30, 2019 FILE NO. 533956. THERE MAY BE RECORDED OR UNRECORDED EASEMENTS NOT SHOWN HEREON THAT MAY AFFECT THE PROPERTY.

ALL BEARINGS SHOWN ARE BASED ON NAD83/2011 TEXAS COORDINATE SYSTEM, CENTRAL ZONE. ALL DISTANCES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A SURFACE ADJUSTMENT FACTOR 1.000065048. PROJECT UNITS ARE IN U.S. SURVEY FEET.

THIS PLAT IS ACCOMPANIED BY A PROPERTY DESCRIPTION OF EVEN DATE.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AND THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

*Scott C. Brashear*      5/12/20

SCOTT C. BRASHEAR      DATE  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 NO. 6660 - STATE OF TEXAS



JOB NUMBER: 1019051384
DATE: 01/30/2020
SCALE: 1" = 50'
SURVEYOR: S. BRASHEAR
TECHNICIAN: C. GALVAN
DRAWING: PARCEL 5221.18 WLE
TRACT ID: 315131
PARTY CHIEF: S. PESL
FIELD BOOKS:



4801 Southwest Parkway  
 Building Two, Suite 100  
 Austin Texas, 78735  
 Ofc: 512.447.0575  
 Fax: 512.326.3029  
 email: info@sam.biz  
 Texas Firm Registration No. 10064300

PROJECT: CITY OF AUSTIN - OAKHILL EASEMENTS  
 PAGE 4  
 OF 4